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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,345	06/03/2002	Yoshimasa Morimoto	ACO 307	2919

23581 7590 11/24/2003  
KOLISCH HARTWELL, P.C.  
520 S.W. YAMHILL STREET  
SUITE 200  
PORTLAND, OR 97204

EXAMINER

GUADALUPE, YARITZA

ART UNIT PAPER NUMBER

2859

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,345

Applicant(s)

MORIMOTO, YOSHIMASA

Examiner

Yaritza Guadalupe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

In response to Amendment filed September 8, 2003

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103 ( a ) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. ( US 2,866,270 ) in view of Schön ( US 4,527,341 ).

Johnson et al. discloses an angle determinator comprising a pair of first rulers ( 10, 11 ) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported ( 12, 23, 25 ) at one end so as to be freely pivotable relative to each other, wherein the pivotally supported ends of the first rulers are cylindrically rounded so as to have the respective pivotal axis as a center thereof, a pair of second rulers ( 16, 17 ) each having linear edges on both sides in the width direction throughout the entire length parallel to each other and being pivotally supported at one end so as to be freely pivotable relative to each other, and being pivotally coupled to the first rulers respectively, so that a

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parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines ( See Figure 1 ).

Johnson et al. further discloses a reference ruler ( 14 ) having linear edges on both sides in the width direction throughout the entire length parallel to each other, wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained. Johnson et al. further discloses a locking portion ( 13, 24, 26 ) for permitting and restraining the movement of said pivotal axis in the direction of the diagonal line and the pivot of at least one of the pair of first rulers and second rulers. Johnson et al. also discloses said locking portion comprising an external thread portion (13, 24, 26 ) formed on said two pivotal axes respectively and internal thread portions into which the external thread portions are screwed respectively.

Johnson et al. discloses the reference ruler provided with scale indicia ( 20, 21 ) used for indicating said angles to be obtained according to the position of said pivotal axis ( See Column 2, lines 66 – 67 ), said pivotal axis provided with a mark ( 15 ) used for pointing out a scale division corresponding to the position of the pivotal axis. Johnson et al. discloses the first rulers ( 10, 11 ), the second rulers ( 16, 17 ) and the reference ruler ( 14 ) each have a uniform width and thickness ( as suggested from the figures ) in a direction along the linear portion. Johnson et al. further discloses the pair of first and second rulers ( 10, 11, 16, 17 ) respectively extending

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beyond their coupling point at which the pair of first rulers / second rulers are coupled to each other ( See Figures ), wherein the pair of first rulers is substantially twice longer than the other pair of rulers.

Johnson et al. does not teaches said reference ruler supporting the pivotal axes between the pairs of first and second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram as stated in claim 1.

With respect to claim 1 : Schön discloses a square tool comprising a pair of first rulers (2, 3 ), a pair of second rulers ( 1, 4 ), and a reference ruler ( 11 ) having a recess ( 12 ) and supporting the pivotal axes between the pairs of first and second rulers such that said two pivotal axes are respectively coupled to positions along the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram up to the respective end on the reference ruler so that the respective end of the reference ruler is not protruded from at least one of the rounded ends of the first rulers or at least one of the rounded ends of the second rulers, wherein both ends of the reference ruler are cylindrically rounded so as to match up to the respective rounded ends of the first and second rulers when each ends of the first or second rulers are moved along with the corresponding pivotal axis. Therefore it would have been obvious to a person having ordinary skill in the art at

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the time the invention was made to replace the reference ruler disclosed by Johnson et al. with a reference ruler as taught by Thompson in order to increase the versatility of the tool by providing an adjustable angular range of measurements along the rulers and allowing simultaneous angular adjustment of the rulers in multiple axes while in use.

### ***Response to Arguments***

3. Applicant's arguments, see page 7, filed September 8, 2003, with respect to the rejection(s) of claim(s) 1 - 8 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Johnson et al. and Schön.

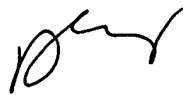
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (703)305 -5676. The examiner can normally be reached on 9:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Yaritza Guadalupe  
Patent Examiner  
Art Unit 2859  
November 18, 2003

DIEGO F.F. GUTIERREZ  
SUPERVISOR PATENT EXAMINER  
TECHNOLOGY CENTER 2800